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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/730,802      | 12/08/2003  | Winfried Rauch       | 250-121 DIV         | 2721             |

616 7590 10/05/2005

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SAN DIEGO, CA 92101

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| EXAMINER |
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TRAN, THUY VAN

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3652

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/730,802

Applicant(s)

RAUCH, WINFRIED

Examiner

Thuy v. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/942,400.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "further comprising a drum for winding and unwinding the associated traction cable, said drum being provided as a rotating member" in lines 1-3 renders the claim indefinite since it is unclear if a "drum as a rotating member" in claim 26 is the same as or in addition to "a rotating member" in claim 23?

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Hulsart 2,661,816.

Hulsart discloses an underfloor lifting platform comprising at least one vertical beam 4 liftable and lowerable in a pit, one support arm comprising support 5, a prime mover 16 comprising switching and control element, and transmission including at least one flexible traction cable coupled to a rotating member 13 and engaged at a lower end of the vertical beam.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price 5,339,925.

Price '925 discloses an underfloor lifting platform comprising two vertical beams 20 each having a support arm 27, a prime mover, a transmission including a flexible cable connected at a lower end of

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respective beam, the cable being coupled to a rotating member 83 rotatably driven by the prime mover, the two vertical connected to each other at the lower ends by a stable transverse beam 22 connects.

Price discloses a flexible chain instead of flexible traction cable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute a traction cable for the chain of Price since chain and traction cable were art recognized equivalent. For example, see Hulsart 2,661,816, col. 1, lines 33-35.

***Response to Arguments***

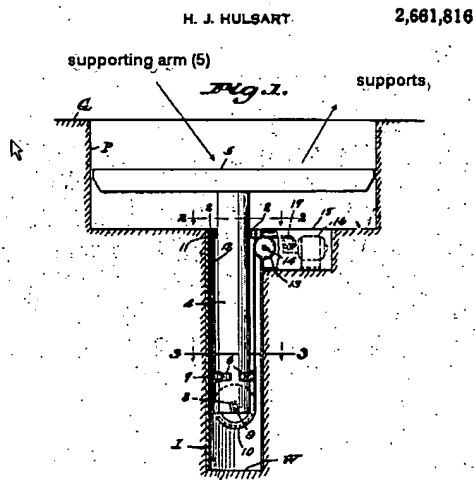
6. Applicant's arguments, see pages 5-6, filed July 11, 2005, with respect to White reference have been fully considered and are persuasive. The rejection of claim 23 with respect to White reference has been withdrawn.

7. Applicant's arguments filed July 11, 2005 have been fully considered but they are not persuasive.

8. Applicant argues that the "drum" recited in claim 26 further defines that which is recited in claim 23. It is unclear which element applicant meant by "further defines that which is recited in claim 23"? If the drum further defines a rotating member of claim 23, then it is suggested Applicant replaces "as a rotating member" with —as the rotating member—in order to avoid the indefiniteness in the claim.

9. Applicant argues that Hulsart does not disclose "at least one support arm comprising supports fixed to said vertical beam," as recited in claim 23. Hulsart clearly shows a support arm (5) comprising supports fixed to the vertical beam. See Figure 1 below.

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10. Applicant argues that pulley (83) is not rotatably driven because primary mover provides a linear force, not a rotating driving force. As the primary mover (cylinder 30) move up and down, the pulley (83) would rotate as it moved up and down. As broadly claimed, Price reference reads on the claimed limitation.

***Allowable Subject Matter***

11. Claim 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is 571-272-6932. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT (TVT)



**EILEEN D. LILLIS**  
SUPERVISORY PATENT EXAMINER  
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